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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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CORRY CASTANEDA

CASE NO. CV-N-05-0283-HDM-RAM

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Plaintiff,

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vs.

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DOUGLAS COUNTY SHERIFF'S  
INVESTIGATOR RORY PLANETA;  
DOUGLAS COUNTY SHERIFF'S  
DEPUTY SHIELDS,

**ORDER TO**  
**EXTEND THE TIME TO FILE**  
**JOINT PRETRIAL ORDER**  
**(Second Request)**

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Defendants.

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Defendants filed a Motion for Summary Judgment on this matter on March 31, 2006 (#21). This Court entered its Order granting in part and denying in part Defendants' Motion for Summary Judgment on January 17, 2007 (#39). In the Court's Order granting in part and denying in part Defendants' Motion for Summary Judgment, the Court requested additional briefing on the issue as to whether Defendant Shields was entitled to discretionary immunity under the provisions of NRS 41.032(2) for his use of force on Plaintiff's person during an incident on January 4, 2004 (#32 at p. 14). This issue was subsequently briefed by the parties (#40-1 and #41). The Court subsequently entered its Order denying discretionary immunity to Officer Shields concerning Plaintiff's claim premised upon assault and battery (#43). This Order was entered by the Court on October 31, 2007 (#43).

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1 The parties should have submitted their Joint Pretrial Order in this matter on or about  
2 December 1, 2007, 30 days after the final Order concerning Defendants' Motion for Summary  
3 Judgment.

4 Recently, Plaintiff filed his Pretrial Order (#44). At no time did counsel for Defendants  
5 have the opportunity to discuss Plaintiff's proposed Pretrial Order prior to filing same on or  
6 about January 17, 2008. This being so, it is the belief of the undersigned counsel that a Joint  
7 Pretrial Order as contemplated by the Federal Rules of Civil Procedure can be achieved as a  
8 result of the undersigned counsel working together to draft same. This being so, it is respectfully  
9 requested that this Court grant an additional 20 days, to and including February 12, 2008, within  
10 which to lodge their Joint Pretrial Order in this matter.

11 This Stipulation is made in good faith and not for purposes of delay.

12 DATED this 24<sup>th</sup> day of January, 2008.

13 || LAW OFFICES OF JAMES ANDRE BOLES

15 By: \_\_\_\_\_ /s/  
16 James Andre Boles, Esq.  
17 State Bar No. 3368  
423 Mill Street  
Reno, Nevada 89502  
(775) 329-1544

18 || Attorneys for Plaintiff

19 DATED this 24<sup>th</sup> day of January, 2008.  
20 THORNDAL, ARMSTRONG,  
21 DELK, BALKENBUSH & EISINGER

22 By: /s/  
23 Stephen C. Balkenbush, Esq.  
24 State Bar No. 1814  
6590 S. McCarran Blvd., Suite B  
Reno, Nevada 89509  
(775) 786-2882

Attorneys for Defendants

\* \* \*

## ORDER

IT IS SO ORDERED.

DATED this 25th day of January, 2008.

Elkire

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE